

MILITARY SERVICE

Exchange of notes at México January 22, 1943

Entered into force January 22, 1943

*Terminated October 28, 1952*¹

57 Stat. 973; Executive Agreement Series 323

*The Minister of Foreign Affairs to the American Chargé
d'Affaires ad interim*

[TRANSLATION]

JANUARY 22, 1943

MR. CHARGÉ D'AFFAIRES:

I have the honor to refer to the negotiations effected for the purpose of regulating certain aspects of the performance of military service by nationals of our two countries residing in the territory of the other country.

The conversations held to date elicit not only the natural interest with which the authorities of both nations view this matter, but also their determination to reach a satisfactory agreement which will coincide with the excellent relations which happily bind our two Republics.

In view of the foregoing I beg to propose for the consideration of the Government of the United States of America through your esteemed intermediary, the following proposed arrangement:

I. The nationals of either country resident within the territory of the other may be registered and inducted into the armed forces of the country of their residence on the same conditions as the nationals thereof unless otherwise provided herein.

II. Nationals of either country residing in the other shall be accorded the same rights and privileges as nationals of the country of residence. In the selection and induction into their armed forces of nationals of the other country the authorities of the respective countries shall take into account on the same basis as if their own nationals were involved the physical condition and health of the individuals concerned, their civil status, their financial depend-

¹ Six months after entry into force for the United States of treaty of peace with Japan signed Sept. 8, 1951 (3 UST 3169; TIAS 2490).

ents, regardless of the place of residence and any other circumstances which under the laws and regulations in force in the country of residence would apply in selecting and inducting nationals of the latter country.

III. Nationals of either country in the territory of the other country for purposes of study and with the intention of returning to the country of which they are nationals upon the termination of such study shall upon establishing such facts in accordance with existing selective service laws and regulations be relieved from the obligation of military service.

IV. Nationals of either country who under the immigration laws of the other country are technical residents of that country known as 'border crossers' shall for military service purposes be considered residents of the country in which they actually live.

V. Officials and employees of either country residing in the other whose official status has been notified to the Government of the country in which they are residing and accepted by that Government shall not be considered for military service purposes as residents of the country in which they are residing.

VI. Each Government in so far as necessities imposed by the war effort permit will furnish the other Government with information concerning its nationals who have registered for or been inducted into the military service.

VII. Nationals of either country serving in the armed forces of the other country shall receive the same treatment and have equal opportunities with respect to commissions, promotions and other incidents of military service as are accorded by that country in conformity with military law and practice to its nationals.

VIII. Representatives of either Government shall have the right to assist their nationals serving in the military forces of the other in all matters relating to their welfare including but not limited to the payment of pensions, gratuities, indemnities or other benefits to them or their dependents wherever the latter may be resident.

IX. Nationals of each country who have been registered for or inducted into the Army of the other country in accordance with the military service laws of the latter and who have not declared their intention to acquire the citizenship of the country in which they reside shall upon being designated by the country of which they are nationals and with their consent be released for military service in its forces provided that this has no prejudicial effect on the common war effort. The procedure for the transportation and turning over of these persons will be agreed upon by the appropriate authorities of the two countries who are empowered to bring about the objectives desired.

X. The understandings in the foregoing arrangement shall be in effect as of today for the duration of the present war and six months thereafter.

Should the Government of the United States of America be in agreement with the foregoing text I consider that your affirmative reply to the present

note shall be sufficient for the arrangement to enter immediately into effect.

I take this occasion to reiterate my very high consideration.

E. PADILLA

Mr. HERBERT S. BURSLEY,
*Chargé d'Affaires ad interim of the
United States of America,
City.*

*The American Chargé d'Affaires ad interim to the Minister of Foreign
Affairs*

EMBASSY OF THE
UNITED STATES OF AMERICA
Mexico, D.F., January 22, 1943

No. 960

EXCELLENCY:

I have the honor to refer to Your Excellency's note of January 22, 1943 concerning an agreement between the Governments of Mexico and the United States of America relating to military service of the nationals of either country residing in the other country, which reads textually in translation as follows:

[For translation of Mexican note, see above.]

The above text has been submitted to my Government and has been found entirely acceptable. It is the belief of the United States Government that this agreement adds further testimony to the mutual desire of our respective countries to unite their efforts as members of the United Nations in prosecuting the war and achieving the victory.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

HERBERT S. BURSLEY
*Counselor of Embassy
Chargé d'Affaires ad interim*

His Excellency,
EZEQUIEL PADILLA,
*Minister of Foreign Relations,
Mexico, D.F.*